

IN THE UNITED STATES COURT OF APPEAL  
FOR THE ELEVENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

No. 21-13749

DANIEL BAKER,

Defendant-Appellant.

\_\_\_\_\_/

**UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL**

Appellant, Daniel Baker, pursuant to Federal Rule of Appellate Procedure 42(b) and 11th Cir. R. 42-1(a), moves this Court to dismiss his appeal with prejudice.

**SECOND AMENDED CERTIFICATE OF INTERESTED PERSONS**

As required by Federal Rule of Procedure 26.1 and 11th Cir. Rule 26.1-2, the following persons have an interest in the outcome of this case:

Baker, Daniel: Defendant/Appellant

Coody, Jason: U.S. Attorney

Davies, Robert G.: Assistant U.S. Attorney **(added)**

DeBelder, Joseph F.: Federal Public Defender **(added)**

Fields, Lazaro P.: Assistant U.S. Attorney

Fitzpatrick, Martin A.: United States Magistrate Judge

Frank, Michael J.: United States Magistrate Judge **(added)**

Kunz, Stephen M.: Assistant U.S. Attorney

Lee, Tyler Ann: Assistant U.S. Attorney **(added)**

McCommon, April J.: United States Probation Officer

Murrell, Randolph P: (former) Federal Public Defender

Stampelos, Charles A.: United States Magistrate Judge **(added)**

Summa, Richard M.: Assistant Federal Public Defender

Vallejo, Elizabeth L.: Assistant Federal Public Defender

Winsor, Allen C.: United States District Judge

## **MOTION TO VOLUNTARILY DISMISS APPEAL**

1. This motion arises from the direct appeal of a judgment filed October 14, 2021, imposing Judgment and Sentence for a violation of 18 U.S.C. § 875(c). Appellant has fully served his term of incarceration and has commenced service of three years' supervised release.

2. A notice of appeal was filed on October 25, 2021.

3. All briefs have been filed and the case is pending disposition by the Court.

4. As indicated by the attached statement, Mr. Baker now feels it is in his best interest to dismiss his appeal.

5. Counsel for the government, Robert G. Davies, Assistant United States Attorney, does not object to this motion.

WHEREFORE, Appellant Daniel Baker moves the Court to dismiss his appeal with prejudice.

JOSEPH F. DEBELDER  
FEDERAL PUBLIC DEFENDER  
*s/Richard M. Summa*

RICHARD M. SUMMA  
Assistant Federal Public Defender  
Florida Bar No. 890588  
227 N. Bronough St., Suite 4200  
Telephone: (850) 942-8818  
FAX: (850) 942-8809  
Attorney for Appellant

FEDERAL PUBLIC DEFENDER  
RECEIVED

JUL - 6 2023

DEAR LIZZIE,

TALLAHASSEE, FL

6/22/23

PLEASE IMMEDIATELY WITHDRAW MY  
APPEALS. THANK YOU.

DAN BAKER

*DB*

P.S.

I ALREADY ASKED YOU TO DO THIS ON 6/14/23.

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATION,  
TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS**

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because:

☒ this motion contains 127 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), or

☐ this brief uses a monospaced typeface and contains [state the number of] lines of text, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because:

☒ this brief has been prepared in a proportionally spaced typeface using WordPerfect X6 in Times New Roman, 14 point, or

☐ this brief has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].

*s/Richard M. Summa*

**RICHARD M. SUMMA**

Assistant Federal Public Defender  
Attorney for Appellant

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished by United States Mail to Assistant United States Attorney Robert G. Davies, 21 East Garden Street, Suite 400, Pensacola, FL 32502; and to Mr. Daniel Baker, 1514 High Rd., Apt. 1, Tallahassee, FL 32304, all on this 10th day of July, 2023.

*s/Richard M. Summa*  
RICHARD M. SUMMA  
Attorney for Appellant